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September 14, 2022

BY ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
United States Courthouse
225 Cadman Plaza E.
Brooklyn, NY 11201

Re: 20-cv-02464, *Zuniga Cespedes v. Newmark Wood Working Group
Inc.* et al

Your Honor:

This office represents Plaintiffs in the above referenced matter. Plaintiffs write with respect to the Court's order of August 17, 2022. In this Order the Court ruled that, *inter alia*, the Plaintiff did not sufficiently allege facts supporting FLSA coverage of the defendant business, and further noted the open question as to whether the Plaintiff has Article III standing to pursue NYLL statutory claims in Federal Court.

Given recent decisions in this District regarding state statutory claims and the fact that these damages comprise a large percentage of the Plaintiff's total damages, we have concluded that Plaintiff's claims against Defendants would be best brought in New York State Court. As the causes of action accrued within the six-year statute of limitations, there is no prejudice to Plaintiff. Thus, in lieu of filing an additional amended complaint, we respectfully request to discontinue the instant action without prejudice.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/

Catalina Sojo, Esq.
CSM LEGAL, P.C.
Attorneys for the Plaintiff